

Union Calendar No. 237

116TH CONGRESS
1ST SESSION

H. R. 3541

[Report No. 116-294]

To amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation preparedness and response program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019

Mr. CARBAJAL (for himself, Mr. FITZPATRICK, and Mr. ROONEY of Florida) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 15, 2019

Additional sponsors: Mr. SABLAN, Mrs. NAPOLITANO, Mr. HASTINGS, Mr. VAN DREW, Ms. ROYBAL-ALLARD, Ms. BROWNLEY of California, and Mr. KIM

NOVEMBER 15, 2019

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation preparedness and response program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coastal State Climate
5 Preparedness Act of 2019”.

6 **SEC. 2. CLIMATE CHANGE PREPAREDNESS IN THE COAST-**
7 **AL ZONE.**

8 (a) IN GENERAL.—The Coastal Zone Management
9 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by add-
10 ing at the end the following:

11 “CLIMATE CHANGE ADAPTATION PREPAREDNESS AND
12 RESPONSE PROGRAM

13 “SEC. 320. (a) IN GENERAL.—The Secretary shall
14 establish, consistent with the national policies set forth in
15 section 303, a coastal climate change adaptation prepared-
16 ness and response program to—

17 “(1) provide assistance to coastal States to vol-
18 untarily develop coastal climate change adaptation
19 plans, pursuant to approved management programs
20 approved under section 306, to minimize contribu-
21 tions to climate change and to prepare for and re-
22 duce the negative consequences that may result from
23 climate change in the coastal zone; and

24 “(2) provide financial and technical assistance
25 and training to enable coastal States to implement

1 plans developed pursuant to this section through
2 coastal States' enforceable policies.

3 “(b) COASTAL CLIMATE CHANGE ADAPTATION
4 PLANNING AND PREPAREDNESS GRANTS.—

5 “(1) IN GENERAL.—The Secretary, subject to
6 the availability of appropriations, may make a grant
7 to any coastal State for the purpose of developing
8 climate change adaptation plans pursuant to guide-
9 lines issued by the Secretary under paragraph (8).

10 “(2) PLAN CONTENT.—A plan developed with a
11 grant under this subsection shall include the fol-
12 lowing:

13 “(A) Identification of public facilities and
14 public services, working waterfronts, coastal re-
15 sources of national significance, coastal waters,
16 energy facilities, or other land and water uses
17 located in the coastal zone that are likely to be
18 impacted by climate change.

19 “(B) Adaptive management strategies for
20 land use to respond or adapt to changing envi-
21 ronmental conditions, including strategies to
22 protect biodiversity, protect water quality, and
23 establish habitat buffer zones, migration cor-
24 ridors, and climate refugia.

1 “(C) Adaptive management strategies for
2 ocean-based ecosystems and resources, includ-
3 ing strategies to plan for and respond to geo-
4 graphic or temporal shifts in marine resources,
5 to create protected areas that will provide cli-
6 mate refugia, and to maintain and restore
7 ocean ecosystem function.

8 “(D) Requirements to initiate and main-
9 tain long-term monitoring of environmental
10 change to assess coastal zone adaptation and to
11 adjust when necessary adaptive management
12 strategies and new planning guidelines to attain
13 the policies under section 303.

14 “(E) Other information considered nec-
15 essary by the Secretary to identify the full
16 range of climate change impacts affecting coast-
17 al communities.

18 “(3) STATE HAZARD MITIGATION PLANS.—
19 Plans developed with a grant under this subsection
20 shall be consistent with State hazard mitigation
21 plans and natural disaster response and recovery
22 programs developed under State or Federal law.

23 “(4) ALLOCATION.—Grants under this sub-
24 section shall be available only to coastal States with
25 management programs approved by the Secretary

1 under section 306 and shall be allocated among such
2 coastal States in a manner consistent with regula-
3 tions promulgated pursuant to section 306(e).

4 “(5) PRIORITY.—In the awarding of grants
5 under this subsection, the Secretary may give pri-
6 ority to any coastal State that has received grant
7 funding to develop program changes pursuant to
8 paragraphs (1), (2), (3), (5), (6), (7), and (8) of sec-
9 tion 309(a).

10 “(6) TECHNICAL ASSISTANCE.—The Secretary
11 may provide technical assistance to a coastal State
12 consistent with section 310 to ensure the timely de-
13 velopment of plans supported by grants awarded
14 under this subsection.

15 “(7) FEDERAL APPROVAL.—In order to be eligi-
16 ble for a grant under subsection (c), a coastal State
17 must have its plan developed under this subsection
18 approved by the Secretary.

19 “(8) GUIDELINES.—Within 180 days after the
20 date of enactment of this section, the Secretary, in
21 consultation with the coastal States, shall issue
22 guidelines for the implementation of the grant pro-
23 gram established under this subsection.

24 “(c) COASTAL CLIMATE CHANGE ADAPTATION
25 PROJECT IMPLEMENTATION GRANTS.—

1 “(1) IN GENERAL.—The Secretary, subject to
2 the availability of appropriations, may make grants
3 to any coastal State that has a climate change adap-
4 tation plan approved under subsection (b)(7), in
5 order to support projects that implement strategies
6 contained within such plans.

7 “(2) PROGRAM REQUIREMENTS.—The Sec-
8 retary, within 90 days after approval of the first
9 plan approved under subsection (b)(7), shall publish
10 in the Federal Register requirements regarding ap-
11 plications, allocations, eligible activities, and all
12 terms and conditions for grants awarded under this
13 subsection. No less than 30 percent, and no more
14 than 50 percent, of the funds appropriated in any
15 fiscal year for grants under this subsection shall be
16 awarded through a merit-based competitive process.

17 “(3) ELIGIBLE ACTIVITIES.—The Secretary
18 may award grants to coastal States to implement
19 projects in the coastal zone to address stress factors
20 in order to improve coastal climate change adapta-
21 tion, including the following:

22 “(A) Activities to address physical disturb-
23 ances within the coastal zone, especially activi-
24 ties related to public facilities and public serv-
25 ices, tourism, sedimentation, ocean acidification,

1 and other factors negatively impacting coastal
2 waters.

3 “(B) Monitoring, control, or eradication of
4 disease organisms and invasive species.

5 “(C) Activities to address the loss, deg-
6 radation, or fragmentation of wildlife habitat
7 through projects to establish or protect marine
8 and terrestrial habitat buffers, wildlife refugia,
9 other wildlife refuges, or networks thereof, pres-
10 ervation of migratory wildlife corridors and
11 other transition zones, and restoration of fish
12 and wildlife habitat.

13 “(D) Projects to reduce, mitigate, or other-
14 wise address likely impacts caused by natural
15 hazards in the coastal zone, including sea level
16 rise, coastal inundation, storm water manage-
17 ment, coastal erosion and subsidence, severe
18 weather events such as cyclonic storms,
19 tsunamis and other seismic threats, and fluc-
20 tuating Great Lakes water levels. The Secretary
21 shall give priority to projects that utilize green
22 infrastructure solutions.

23 “(E) Projects to adapt existing infrastruc-
24 ture, including enhancements to both built and
25 natural environments.

1 “(F) Provision of technical training and
2 assistance to local coastal policy makers to in-
3 crease awareness of science, management, and
4 technology information related to climate
5 change and adaptation strategies.

6 “(4) PROMOTION AND USE OF NATIONAL ESTU-
7 ARINE RESEARCH RESERVES.—The Secretary shall
8 promote and encourage the use of National Estua-
9 rine Research Reserves as sites for pilot or dem-
10 onstration projects carried out with grants awarded
11 under this section.”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 318(a) of the Coastal Zone Management Act of 1972 (16
14 U.S.C. 1464(a)) is amended—

15 (1) by striking “and” after the semicolon at the
16 end of paragraph (1);

17 (2) by striking the period at the end of para-
18 graph (2) and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(3) for grants under section 320, such sums
21 as are necessary.”.

22 (c) INTENT OF CONGRESS.—Nothing in this section
23 shall be construed to require any coastal State to amend
24 or modify its approved management program pursuant to
25 section 306(e) of the Coastal Zone Management Act of

1 1972 (16 U.S.C. 1455(e)) or to extend the enforceable
2 policies of a coastal State beyond the coastal zone as iden-
3 tified in the coastal State's approved management pro-
4 gram.

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